

GUIDANCE NOTE 3

Issue: Ordering the interruption of a break or daily or weekly rest in order to move a vehicle forward at a terminal, at parking places or at border areas.

Article: 4(d) and (f) of Regulation (EC) No 561/2006

Approach to be followed: Generally, during a daily or weekly rest a driver should be able to dispose freely of his/her time and should therefore not be obliged to stay in reach of his/her vehicle.

In general, interrupting a break, daily or weekly rest is an infringement (unless the "ferry rule" applies – Article 9(1)). However, at a terminal or a parking place there may occur a sudden abnormal situation or an emergency where a vehicle needs to be moved.

At a terminal there is usually a driver (terminal employee) who moves vehicles, if necessary. If that is not the case and the movement of the vehicle becomes inevitable due to extraordinary circumstances, the driver may interrupt his/her rest only upon the demand of a competent authority or terminal official who are authorised to order vehicle's movements.

In other places (e.g. at parking places, at border crossings and in cases of emergency), if there are objective emergency reasons for which the vehicle must be moved or if the police or another authority (e.g.: fireman, road administration authorities, customs officer, etc.) give an order to move a vehicle, the driver must interrupt his/her break or rest for a few minutes and in that case should not be prosecuted.

If such a necessity arises Member States enforcers must grant some tolerance following an individual situation assessment.

Such an interruption of a driver's rest or break must be recorded manually by the driver and should, if possible, be authenticated by the competent authority that ordered the driver to move the vehicle.